

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Ken Cohen, Assistant Town Administrator, 797-1037

**SUBJECT:** Ordinance

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, BY CREATING A UNIFORM POLICY CONCERNING ADVISORY BOARDS/COMMITTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** This ordinance is the result of council's direction to create a uniform policy for advisory boards/committees. It was developed over a period of several months with input from all council members.

Some key points in the ordinance are:

- 1) Board/committee membership has been expanded to include registered voters, minors and legal resident aliens from any community.
- 2) Boards/committees with more than ten (10) members will be reduced to ten (10) members. The only exception will be the Davie Community Relations Advisory Board which has eleven (11) members.
- 3) Terms of all current board/committee members expire 30 days from the effective date of this ordinance. They may be reappointed or succeeded by another appointee. This will allow for the reduction of all boards to a maximum of ten (10) members.
- 4) A board/committee secretary will be appointed from the members to take minutes.
- 5) Board/committee quorum is reduced to greater than 40% of membership.

<u>Board Size</u>	<u>Current Quorum</u>	<u>Proposed Quorum</u>
11	6	5
10	6	5
9	5	4
7	4	3
5	3	3

- 6) Annual reports will be required from each board/committee.

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** Board/committee attendance records.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, BY CREATING A UNIFORM POLICY CONCERNING ADVISORY BOARDS/COMMITTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to have a uniform policy concerning the Town's Advisory Boards/Committees; and

WHEREAS, it is believed that this uniform policy should be set forth in the Town's Code of Ordinances under Chapter 2, Article V, entitled Boards and Commissions, specifically under Division 1, Generally.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

**SECTION 1.** Nothing contained in this ordinance shall contradict or supercede the substance of any provision contained in the Town's Charter concerning Advisory Boards/Committees. In the event of a conflict between this ordinance and the Town's Charter, the Town's Charter controls.

**SECTION 2.** The Town's Charter provisions pertaining to the Planning and Zoning Board also pertains to the Local Planning Agency, and a person who is a member of the Planning and Zoning Board is simultaneously a member of the Local Planning Agency.

**SECTION 3.** Unless stated differently in the ordinance or resolution which creates an Advisory Board/Committee, the following shall apply to all Advisory Boards/Committees:

**ARTICLE V. ~~BOARDS AND COMMISSIONS~~ COMMITTEES**

**Section 2-71. Intent and Definitions.**

- a) **General Intent.** This ordinance is intended to consolidate and define the authority and rules of operation for all Advisory Boards/Committees.
- b) **Boards/Committees Excluded.** This ordinance does not apply to any employee pension board, nor does it apply to boards/committees not specifically mentioned in the ordinance which are entirely or predominantly composed of staff.
- c) **Boards/Committees Abolished.** Youth Advisory Committee.
- d) **Resident Meetings.** Nothing in this ordinance prohibits civic groups or groups of residents from meeting in Town facilities in an unofficial capacity and giving advice to Town government. The Town shall have a policy of fostering and encouraging citizen participation in the process of government.
- e) **Definitions.** The following terms are defined for use in this ordinance:
  - 1. **Advisory Board/Committee.** A board/committee composed primarily of registered voters to provide advice to the Town.
  - 2. **Board Member.** A member of any Advisory Board/Committee.
  - 3. **Sunset.** The time at which an Advisory Board/Committee ceases to exist and all board/committee members are discharged from further duties.
  - 4. **Town Council.** Includes the Mayor and Councilmembers.

## **Section 2-72. Board Membership**

- a) **Number of Members.** Except as otherwise provided, all Advisory Boards/Committees shall consist of two members appointed by each Councilmember, so the total number of board/committee members shall be twice the number of Councilmembers.
- b) **Qualifications.** The Councilmember, or group appointing each board/committee member, shall determine the suitability of each person appointed to any Advisory Board/Committee, except that board/committee members are required to be registered voters. However, any person who is not a registered voter because of that person's status as a minor or as a legal resident alien, is not disqualified.

c) **Term.** The term for a seat on a board/committee shall be two (2) years unless otherwise noted in this ordinance. If a vacancy occurs on a board/committee, the Councilmember who has the right to make the appointment to that particular board/committee seat shall be entitled to name the successor for the unexpired term of that board/committee member's seat. A Councilmember can reappoint a person to a board/committee at the end of that person's term on a board/committee.

d) **Removal of Board/Committee Member.** The term of all current board/committee members listed in Section 2-73 shall expire 30 days from the effective date of this ordinance. Board/Committee members may be either reappointed or succeeded by another appointee.

Any board/committee member may be removed for any reason by the Councilmember (or that Councilmember's successor) or group who made the appointment.

The Town Council may remove a board/committee member after reasonable notice is given to the board/committee member and the Councilmember or group appointing that board/committee member. Removal by the Town Council may be for cause only, which may include disorderly conduct at Advisory Board/Committee meetings, illegal acts or moral turpitude. No board member that has been removed by the Town Council may be reappointed to the same board for a period of one year.

A board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the

Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat. The board/committee liaison or secretary shall be responsible for notifying the Town Clerk's Office for placement of the vacancy on a future Town Council agenda.

### **Section 2-73. Advisory Boards/Committees**

Advisory Boards/Committees are established by this ordinance and continue until the term of the board/committee is sunset. The Advisory Boards/Committees include (but are not limited to):

a) Budget Advisory Committee

1. There shall be five (5) members of the Budget Advisory Committee.
2. This Committee reviews the annual audit and quarterly reports, as available, with the Budget and Finance Director. Additionally, Council may direct the Committee through the Town Administrator to review special areas of interest.
3. Members shall have experience in a financial related occupation, or similar skills.

b) Child Safety Board

1. This Board provides educational programming and opportunities to promote child safety in the community. The Board's mission is to create an atmosphere of safety for children in the community, to serve as a child safety education and advocacy group, and to coordinate the development and promotion of a Child Safety Day for children.
2. Members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood.
3. Meetings will be held once every two (2) months on odd numbered months.

c) Community Redevelopment Agency

1. There shall be seven (7) members of the Community Redevelopment Agency: one exclusive appointment per Councilmember with two (2) open nominations.
2. Members shall either reside or engage in business within the jurisdiction of the Town.
3. This Agency was created to carry out the purpose of the Community Redevelopment Act of 1969 (F.S.S. Chapter 163 Part III). Essentially, an economic development program, the function of the Agency is to preserve and enhance the

tax base, alleviate conditions of slum and blight, facilitate affordable housing and stimulate private sector participation within the redevelopment area.

d) Davie Agricultural Advisory Board

1. There shall be five (5) members of the Davie Agricultural Advisory Board.
2. This Board was created to advise the Town council with regard to any and all matters affecting the agricultural community or the agricultural lifestyle of the Town.
3. Members, insofar as possible, shall have experience in agricultural matters, related occupations or other similar skills.

e) Davie Community Relations Advisory Boards

1. There shall be eleven (11) members of the Davie Community Relations Advisory Board: two appointments per Councilmember and the Town Council shall appoint one Councilmember.
2. This Board was created to provide advice to the Town Council and to the Town Administrator on matters of community concern. Within the areas of the Board's charge shall be issues including, but not limited to, race relations, police and community relations, fire, public works, Town facilities, programs, hiring and promotional practices, the youth and the elderly. The Board shall serve as a board with administrative support provided by the Town Administrator and, whenever possible, it shall utilize the procedure of conflict resolution, mediation, and human relations training to promote and foster harmony in the Town. The Board shall issue an annual report, with findings of fact and specific recommendations for corrective measures, when desirable. It may also issue periodic or interim reports.

f) Davie School Advisory Board

1. This Board was created to counsel and advise the Town Council with regard to any and all matters affecting the education of its residents.
2. Insofar as possible, members are to have experience in educational matters.
3. Meetings will be held once every two (2) months on even numbered months.

g) Davie Water and Environmental Advisory Board

1. This Board provides advice to the Town Council and to the Town Administrator on matters of water quality and service level on issues affecting the preservation and protection of the environment, the Town's natural resources and its wildlife. Within the areas of the Board's charge shall be issues including, but not limited to, water conservation, water source and quality of supply, preservation of the quality of the environment and protection of wildlife. The areas of interest shall be broadly defined as they relate to the source, supply, treatment and construction of potable water resources in the community and the preservation and protection of the Town's environment and wildlife.
2. Insofar as possible, one member shall be a licensed engineer.
3. Meetings will be held once every two (2) months on even numbered months.

h) Joint Economic Development Steering Committee

1. There are nine (9) members of the Joint Economic Development Steering Committee. Appointments are made by the respective parties as follows: two Councilmembers, one member of the Planning and Zoning Board, one member of the Community Redevelopment Agency, one member of the Davie/Cooper City Chamber of Commerce, one member of the Davie Economic Development Council, one member of the South Florida Education Center, one member of the Agrarian Committee, and one member of the Davie Merchants and Industrial Association.
2. This Committee identifies infrastructure needs, concurrency management mandates, and educational resources in relation to economic development and provides Council with economic development alternatives and implementation strategies.

i) Open Space Advisory Committee

1. This Committee was originally established to provide input to the Town's consultant planning team for the preservation of green areas and for the planning process of an Open Space Program. As the Committee completed its assignment, the Town Council reestablished the Committee to assist the Town in future open space planning.
2. Meetings will be held once every two (2) months on odd numbered months.

j) Parks and Recreation Advisory Board

1. This Board studies and makes recommendations concerning the development, operation and maintenance of all parks, playgrounds, and other recreational facilities of the Town.
2. Members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town.

k) Planning and Zoning Board (governed by Charter Section 9(C) and Code Section 2, Article V, Division 4)

l) Local Planning Agency (governed by Code Section 2, Article V, Division 2)

m) Senior Citizen Advisory Committee

1. This Committee makes recommendations to the Town Council and the Town Administrator for proposed activities, programs and opinions about issues that will address the lifestyle of elderly residents.
2. Members shall be a minimum 60 years of age.

n) Site Plan Committee (governed by Code Section 2, Article V, Division 5)



- o) Unsafe Structures Board (governed by Code Section 5, Article V)

**Reports.** Each board/committee shall submit an annual report by the 31st of January to the Town Clerk's Office for distribution to the Town Council and Town Administrator. Such report shall detail what issues the board/committee is addressing, what the board's/committee's various positions are, if there are any board/committee recommendations, and the accomplishments of the board/committee for the prior year. An oral presentation shall not be made unless requested by the Town Council.

**Meetings.** Meetings shall be held monthly unless otherwise noted in this ordinance or determined by a vote of the board/committee members.

**Quorum.** No less than 40% of the total number of board/committee members shall be required to be present to hold a meeting.

#### **Section 2-74. Advisory Boards/Committees with A Limited Term of Existence**

- a) The Town Council may, by resolution, create one or more Advisory Board/Committee with a Limited Term of Existence.
- b) The resolution creating any Advisory Board/Committee with a Limited Term of Existence shall specify:
1. The specific task(s) of the Board.
  2. The duration of the term of the Board, which shall not exceed one year.
  3. The method of reporting required.
  4. Other matters as requested by the Town Council.
  5. Any special operating rules or instructions.
- c) Each Advisory Board/Committee with a Limited Term of Existence and its membership shall be governed by the same rules as the Advisory Board/Committee, except as set out in the resolution creating the Advisory Board/Committee.

- d) Each Advisory Board/Committee with a Limited Term of Existence, in addition to the reporting requirements set forth in Section 2-73, Reports, shall provide a final report of its activities to the Town Council. The report will include any matters specified in the resolution creating the Advisory Board/Committee.
- e) The term of any Advisory Board/Committee with a Limited Term of Existence may, by resolution of the Town Council, be extended for an additional period of up to one year.

#### **Section 2-75. Recording Meetings and Taking Minutes**

The Town Council may direct the Town Administrator to designate an employee to record meetings and take minutes, such as s/he has designated for the Planning and Zoning Board, Local Planning Agency and Site Plan Committee. For all other boards/committees, the board/committee shall elect a secretary take minutes. The minutes shall be delivered to the Town Clerk's Office within two (2) weeks of the board/committee meeting.

#### **Section 2-76. Sunset Provisions**

- a) Upon review of the annual report, existing boards/committees shall sunset unless renewed by resolution or ordinance by the Town Council.
- b) The following Advisory Boards/Committees shall have a perpetual existence and shall not sunset:
  - 1. Community Redevelopment Agency
  - 2. Planning and Zoning Board/Local Planning Agency
  - 3. Site Plan Committee
  - 4. Unsafe Structures Board

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**SECTION 5.** This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

PASSED ON SECOND AND FINAL READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

\_\_\_\_\_  
Mayor/Council Member

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002